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Cc: Spalding, Curt[Spalding.Curt@epa.gov]
From: Brown, Rudy
Sent: Wed 12/7/2016 4:36:43 PM
Subject: FW: LIS Clips

FYI clips from Congressman Courtney's staff.

From: Combelic, Alexa [mailto:Alexa.Combelic@mail.house.gov]
Sent: Wednesday, December 07, 2016 11:31 AM
To: Brown, Rudy <Brown.Rudy@epa.gov>
Subject: RE: LIS Clips

Hi Rudy,

Thanks for sharing—wanted to send a few more your way:

<http://www.courant.com/business/hc-ny-files-sound-dredging-lawsuit-20161206-story.html>

New York Will Sue Over Long Island Sound Dredging

By Greg Hladky

New York Gov. Andrew Cuomo confirmed Tuesday that his state will file suit to overturn federal approval of plan to allow sludge dredged from harbors in Connecticut to be disposed of in the open waters of Long Island Sound.

The New York lawsuit against the U.S. Environmental Protection Agency, which isn't expected to be filed for at least 60 days, is the latest round in a long-running dredging dispute between Connecticut officials and those in New York.

Environmentalists in both states warn that dumping dredge sediment in an open-water site could harm the Sound's marine ecology – a claim rejected by the EPA and state environmental officials in Connecticut.

New York officials want all dredged materials to be reused to restore beaches, salt marshes and dunes, or to be disposed of someplace other than the Sound. Connecticut officials insist there is simply too much material that can't be reused, and to ship the sediment elsewhere would be prohibitively expensive.

Gov. Dannel P. Malloy's administration supports the final dredging ruling issued by the EPA last month.

"The science is clear: open water disposal is safe and does harm the biological integrity of the water quality of the Sound," Chris Collibee, a Malloy spokesman, said in an emailed response to the New York lawsuit decision.

But environmental activists disagree. "EPA's expansion of dumping in Long Island Sound is a reckless plan that will damage this estuary," Adrienne Esposito, executive director of the Citizens Campaign for the Environment, said in response to Cuomo's lawsuit decision. "Long Island Sound is an ecological gem that should not be used as a dump site."

The debate over disposal of dredge sediments in open-water sites in the Sound has been going on for years. Part of the dispute between New York and Connecticut involves the fact that most of the dredge material that would be disposed of in the open-water site is expected to come from Connecticut harbors.

The 1.5 square-mile dump site in the eastern Sound is located between New London and Fishers Island, and is within Connecticut waters. An estimated 17.9 million cubic yards of materials is expected to be dredged from Connecticut harbors in the next few decades, and only 4.7 million cubic yards from New York harbors on Long Island.

"Connecticut has significant dredging needs, far more significant than the other states that share Long Island Sound," Collibee said in his email.

Collibee noted that, since 2011, Connecticut has spent \$17.5 million in state funds on maintenance dredging, and has authorized an additional \$22 million for dredging through 2018.

Another issue is that dredging deep channels for submarines to reach the U.S. Navy's base in Groton also requires a major disposal site, and Connecticut officials are determined to keep that base in this state.

<http://www.theday.com/local/20161206/epa-makes-long-island-sound-dredge-disposal-site-official>

EPA makes Long Island Sound dredge disposal site official

Published December 06, 2016 6:16PM | Updated December 06, 2016 7:23PM

The Environmental Protection Agency published its final rule establishing the Eastern Long Island Sound Dredging Disposal Site in the Federal Register on Tuesday, the final step in a long process to designate a new area where material dug out of channels, harbors and marinas can be dumped.

The 1.3-square mile area, located in Connecticut waters between the mouth of the Thames River and Fishers Island, replaces an adjacent dredge disposal site that will close on Dec. 23. It was established over the objections of New York State, but with the support of the entire Connecticut and Rhode Island Congressional delegations, including Rep. Joe Courtney, D-2nd District.

Courtney said the publication of the final rule is significant for the region's maritime economy, and will benefit projects planned for the Port of New London and the Naval Submarine Base in Groton.

"The final designation of this site could not come at a more important time for our region," Courtney said in a news release.

The Citizens Campaign for the Environment, which opposed the establishment of the disposal site, praised a pledge by New York Gov. Andrew Cuomo to sue the EPA to stop the site from being activated.

“EPA’s expansion of dumping in Long Island Sound is a reckless plan that will damage the estuary,” said Adrienne Esposito, executive director for the organization.

In its announcement, the EPA said the designation comes with restrictions on use of the site that will “help meet the goal of reducing or eliminating dredged material disposal in the open waters of Long Island Sound.”

The final rule also imposes standards and procedures to promote the development and use of “practicable alternatives” to open-water disposal, and establishes an interagency panel of federal and state agency representatives who will work together to identify, develop and promote these alternatives, including using sand for beach nourishment, the EPA said. The panel also will review dredging projects and offer recommendations to the U.S. Army Corps of Engineers, which grants permits for individual dredging proposals.

From: Brown, Rudy [<mailto:Brown.Rudy@epa.gov>]

Sent: Wednesday, December 07, 2016 11:17 AM

To: Dodge, Allison; Lappos, Amy; Grant, Ayanti; Pavlock, Cara;

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Subject: FYI: LIS Clips

WSJ

New York to Sue EPA Over Dredging Disposal Site in Long Island Sound

State says agency hasn't sufficiently weighed effects of plan

By Joseph De Avila

Dec. 6, 2016

New York Gov. Andrew Cuomo said Tuesday that the state intends to sue the U.S. Environmental Protection Agency over a plan to set up a new dredging disposal site in the Long Island Sound.

The EPA's plan would allow dredged sludge to be disposed in the eastern part of Long Island Sound in Connecticut's territorial waters and near New York's Fishers Island. The EPA has said periodic dredging is necessary for ports and harbors so that boats are able to navigate safely through waters close to the shoreline.

The EPA estimates that the eastern Long Island Sound region will need to dispose of up to 22.6 million cubic yards of dredged material over the next 30 years.

New York state says the EPA hasn't sufficiently weighed the cumulative effects of disposing the material in the Long Island Sound. It also said the EPA's plan violated the federal Ocean Dumping Act.

"Continuing to use this precious economic and ecological resource as a dumping ground is unacceptable," said Mr. Cuomo, a Democrat. "We intend to fight this decision using any and all legal means."

Mr. Cuomo said he sent a letter Tuesday to the EPA notifying the agency that New York state would file a lawsuit over the dredging plan in 60 days.

A spokesman for the EPA declined to comment. The EPA said in November that the selection was based on "sound science" and reflected extensive public input. The agency also said there were no other practicable alternatives.

Connecticut Gov. Dannel Malloy, however, has been an advocate for the EPA's dredging plan.

Most of the dredged material will come from Connecticut.

Mr. Malloy, a Democrat, said in November that the disposal site in the eastern Long Island Sound would benefit Connecticut's economy and support Electric Boat, a subsidiary of General Dynamics Corp., a Groton, Conn., firm that builds submarines.

"Connecticut ports are an economic driver for commerce throughout the state," a spokesman for Mr. Malloy said. "Open water disposal is safe and does not harm the biological integrity or the water quality of the Sound."

Connecticut ports employ nearly 30,000 people and the state has spent nearly \$17.5 million in maintenance dredging since 2011, according to Mr. Malloy's office.

There are currently four disposal sites in the Long Island Sound, and all are located in Connecticut waters. Those sites are near Darien, East Haven, Old Saybrook and New London.

The sites near New London and Old Saybrook will close on Dec. 23 with the expiration of their term of use.

PHOTO Cargo vessels docked at the Port of New Haven on the Long Island Sound, as seen in 2011. PHOTO: STEVEN SENNE/ASSOCIATED PRESS

Newsday

Cuomo to sue EPA over designation of LI Sound dumping site

December 6, 2016 6:39 PM

By Chau Lam

HIGHLIGHTS

Dredged waste to be dumped near Fishers Island

Governor: Agency's decision violates U.S. criteria

Gov. Andrew M. Cuomo said Tuesday his administration intends to sue the U.S. Environmental Protection Agency to stop a plan to allow up to 20 million cubic yards of dredged waste to be dumped at an open-water site in eastern Long Island Sound — off Fishers Island — over the next three decades.

The governor's decision comes on the same day the EPA issued its final rule, which was published in the federal government's official journal known as the Federal Register.

In a letter sent Tuesday, New York state said the EPA's selection of the disposal site, named the Eastern Long Island Sound Disposal Site, 1.3 square nautical miles large, violates criteria outlined in the federal Ocean Dumping Act, according to a news release issued by the

governor's office.

"As I have said time and again, New York is deeply concerned with the EPA's efforts to designate a permanent dumping site in the eastern part of the Long Island Sound," Cuomo said in the release. "Continuing to use this precious economic and ecological resource as a dumping ground is unacceptable and — on behalf of current and future generations of New Yorkers — we intend to fight this decision using any and all legal means."

Harbors, ports and rivers need to be dredged to allow boats, cargo ships and passenger liners to pass safely. However, environmentalists said sand and sediment pulled from the bottom of rivers, harbors and ports can contain mercury, lead and pesticides.

Most of the estimated 20 million cubic yards of dredged sludge will come from Connecticut's industrialized shoreline. The contentious question is where to put the muck, and the cost of different disposal methods.

Robert Evans, who lives on Fishers Island and a board member of the Fishers Island Conservancy, which has been fighting the EPA over open-water dumping in eastern Long Island for more than two decades, said New York has spent millions to meet EPA mandates that benefit the environment.

"When the EPA acts like this it's a slap in the face, and it threatens to derail the entire movement," he said.

edged waste dumping OK in LI Sound

Two open-water dump sites in eastern region of the Sound — New London Disposal Site and Cornfield Shoal Disposal Site — are only authorized for use until Dec. 23, according to the EPA. Once they close there are no other designated long-term disposal sites to accept dredged material in that area.

The nearest two dump sites that could be used — Central Long Island Sound Disposal Site and the Rhode Island Sound Disposal Site — are too far from dredging activities, increasing the time and distance of transporting the muck.

"This, in turn, would greatly increase the cost of such projects and would likely render many dredging projects too expensive to conduct," said the EPA.

Beginning next month, the Eastern Long Island Sound Disposal Site, 2.3 nautical miles northwest of Fishers Island, can begin to accept dredged waste. However, before any sand and sediment could be disposed, a dumping permit is required. The dump site sits in Connecticut state waters, but it's only 0.2 miles from New York territorial waters.

An EPA spokesman on Tuesday declined to comment on Cuomo's announcement, saying the agency does not comment on potential or ongoing litigation.

"The site protections and restrictions we included in the final rule are intended to help meet the goal of reducing or eliminating dredged material disposal in the open waters of Long Island Sound," EPA's New England Regional Administrator Curt Spalding said previously.

Photo: An aerial view of Fishers Island on July 3, 2012. Photo Credit: Kevin P. Coughlin

NY Governor to Sue Over Long Island Sound Dredge Disposal

By THE ASSOCIATED PRESS

DEC. 6, 2016

MINEOLA, N.Y. — New York Gov. Andrew Cuomo says he intends to sue the federal government over its plan to allow dredged sediments to be placed in eastern Long Island Sound.

The Environmental Protection Agency approved a plan in November that allows dumping in the Connecticut portion of the waterway that separates the two states.

While Cuomo and New York environmentalists oppose the disposal project, it has been praised by many in Connecticut. Officials there say small marinas and the Naval Submarine Base in Groton (GRAH'-tuhn) rely on having a long-term placement site for dredged materials.

The New York Democrat argues the dumping poses environmental dangers.

The EPA has previously said it disagrees that dredged sediment could threaten New York habitats.

New York's suit won't be formally filed for at least 60 days.